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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,810	08/28/2003	Ming-Shun Yang	BHT/3245-2	5996

7590 11/30/2005

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EXAMINER

WEAVER, SUE A

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 11/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

SP

Office Action Summary	Application No.	Applicant(s)	
	10/649,810	YANG, MING-SHUN	
	Examiner	Art Unit	
	Sue A. Weaver	3727	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 October 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 17-29 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 17-29 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

1. The proposed drawings were received on 10/14/05. These drawings are approved.
2. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 17-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over McNabb in view of McGrath, Jr '793 and Huang '262, all of record.

McNabb teaches a cover with metal rings (20) in cover extensions which are spaced from the periphery. Note that the cover also has straps at the edge to secure to the vehicle and that the extensions may be secured in any well-known manner. To have provided the cover with adjustable belts having hook fasteners would have been obvious in view of the teaching by McGrath, Jr. To have further provided spaced tubular connectors to secure the rings to the cover in the manner though by Huang at Figures 1 and 8 would also have been obvious.

3. Claims 24 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 17 above, and further in view of Rudys et al, of record.

To have secured the cover to the vehicle with elastic on the periphery would have been obvious in view of Rudys et al at 63 and 76.

4. Claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 17 above, and further in view of Birdsell, of record.

To have secured the hook strap with an adjustable buckle to adjust the length would have been obvious in view of Birdsell at 40.

5. Claim 26 is rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 17 above, and further in view of Nishiyama, of record.

To have formed the hook belt fasteners as a plate with an upward extended hook and a through hole for the belt would have been obvious in view of such teaching by Nishiyama at 24.

6. Claims 28 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over the references as applied to claim 17 above, and further in view of Sage, of record.

To have stored the cover in a flat storage bag with a shoulder strap would have been obvious in view of Sage teaching the use of such storage bag for vehicle covers.

7. Applicant's arguments, see page 8 of the amendment, filed 10/14/05, with respect to objection to the disclosure have been fully considered and are persuasive. The objection of the disclosure has been withdrawn.

Applicant's arguments with respect to claim 17 have been considered but are moot in view of the new ground(s) of rejection.

In response to applicant's argument that the examiner's conclusion of obviousness is based upon improper hindsight reasoning, it must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971).

Contrary to applicant's arguments both Huang and McNabb re considered to teach rings which are space from the periphery, Furthermore Huang teaches how to attach such rings. McGrath, Jr. teaches mans to secure the cover to the vehicle, while McNabb suggest other means may be used.

Claims 1-16 have been canceled.

8. The following are suggested formats for either a Certificate of Mailing or Certificate of Transmission under 37 CFR 1.8(a). The certification may be included with all correspondence concerning this application or proceeding to establish a date of mailing or transmission under 37 CFR 1.8(a). Proper use of this procedure will result in such communication being considered as timely if the established date is within the required period for reply. The Certificate should be signed by the individual actually depositing or transmitting the correspondence or by an individual who, upon information and belief, expects the correspondence to be mailed or transmitted in the normal course of business by another no later than the date indicated.

Certificate of Mailing

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Please refer to 37 CFR 1.6(d) and 1.8(a)(2) for filing limitations concerning facsimile transmissions and mailing, respectively.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The patents show other covers with rings.

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sue A. Weaver whose telephone number is 571 272.

The examiner can normally be reached on Tuesday to Friday from 6-4:30.

The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Sue A. Weaver

SUE A. WEAVER
PRIMARY EXAMINER
GROUP 3700